

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

STADLER et al.

Serial No. 09/762,044

Filed: February 1, 2001

For: SOIL-APPLIED GRANULES WITH CONTROLLED RELEASE OF ACTIVE
INGREDIENT(S) (SOIL-APPLIED CR GRANULES)



Art Unit: 1616

Examiner: Levy

TECH CENTER 1600/2900

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Commissioner of Patents and Trademarks,
Washington, D.C. 20231, on:

May 28, 2002

Date of Deposit Herbert B. Keil

Person Making Deposit

Signature

May 28, 2002

Date of Signature

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction/Election Requirement of March 20, 2002,
applicants elect the following species, with traverse:

a) compound 3: 2-[2-(2-isopropoxy-2-(Z)-methoxyimino-1-methyl-(E)-
ethylidene-aminoxymethyl)phenyl]-2-(E)-methoxyimino-N-methylacetamide (p. 33, l.
20-23),

- b) polyethylene wax emulsion (claim 3),
- c) micropores generated by abrasion (claim 9),
- d) fungi (claim 10),
- e) additive: polypropyleneoxide (p.37, l. 13-17).

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STADLER et al., Serial No. 09/762,044



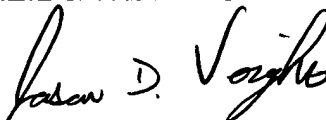
As the examiner acknowledges, this application was filed under 35 U.S.C. 371. Therefore, unity of invention (not restriction) practice is applicable (see MPEP 1893.03(d)). MPEP §§ 803 and 809.02(d) cited by the examiner do not apply to this application. Unity of invention shall be fulfilled when there is a technical relationship among a group of inventions involving one or more of the same or corresponding special technical features (see PCT Rule 13.2). Here, the claimed inventions do not lack unity of invention because they have a technical feature in common (CR granules) which defines a contribution over the art.

A check in the amount of \$400.00 for the two month extension is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF


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JDV/kas